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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,474	08/21/2000	Brian Mark Shuster	409475-5	5826

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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,474

Applicant(s)

SHUSTER ET AL

Examiner

Dustin Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 50 – 69 are presented for examination.

Response to Arguments

2. Applicant's arguments filed 06/06/2005 have been fully considered but they are not persuasive.
3. As per remarks, Applicants' argued that (1) Herz does not disclose the step of receiving user ratings regarding the relevance of respective ones of the posts and of the remote information resources to the defined topic.
4. As to point (1), Herz discloses the Ringo system requires active feedback from the users, users must manually specify how much they like or dislike each musical selection, and maintains a list of users ratings of music selections and makes recommendations by finding which selections were liked by multiple people [col 3, lines 12-23]. Furthermore, Herz teaches the target object receives explicit numeric evaluations or ratings from various groups [col 12, lines 36-46].
5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., neither Herz

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nor Rose disclose a method that comprises the step of receiving ratings from other group members regarding how relevant the user's contributed information is to the group's topic) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. As per remarks, Applicants' argued that (2) Rose does not disclose the step of aggregating the user ratings to provide aggregate relevance ratings data as recited in claim 50.

7. As to point (2), Rose teaches a feedback mechanism is provided to allow users to indicate their degree of interest in each item of information and these indications are used to determine whether other users, who have similar or dissimilar interests, will find a particular item to be relevant [Abstract; and col 2, lines 43-48]. In addition, Rose discloses a score of the document's relevance can be indicated upon a correlation with the indications provided by other users [col 6, lines 52-col 7, lines 9] and the interest of a user in an item of information on the basis of at least one of a collection of votes of other users relating to that item of information [col 10, lines 46-51].

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 50-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz [US Patent No 6,460,036], in view of Rose et al. [US Patent No 5,724,567].

10. As per claim 50, Herz discloses the invention substantially as claimed including a method for exchanging information within a group of users on a wide area network, comprising the steps of:

serving a topically organized information resource over a wide area network [Figure 1; and col 28, lines 59-col 29, lines 31], the information resource comprising a defined topic of information [i.e. cluster] [col 5, lines 32-38], posts of information from users, and a plurality of links to respective different remote information resources each containing information related to the topic [col 12, lines 31-36; and col 74, lines 12-38];

receiving user ratings from the users [col 3, lines 19-23], the user ratings signifying relevance of respective ones of the posts and of the remote information resources to the defined topic [col 19, lines 30-43], the user ratings determined by respective ones of the users after reviewing respective ones of the posts and of the remote information resources [col 18, lines 65-col 19, lines 6; and col 58, lines 43-54].

Herz does not specifically disclose

aggregating the user ratings to provide aggregate relevance ratings data; and

providing access to the aggregate ratings data in association with the posts of information and with the plurality of links.

Rose discloses

aggregating the user ratings to provide aggregate relevance ratings data [i.e. combine] [col 8, lines 45-56]; and

providing access to the aggregate ratings data in association with the posts of information and with the plurality of links [Figure 3; and col 4, lines 45-62].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Herz and Rose because Rose's teaching of the aggregating rating data would allow user to immediately access information source that is most relevant to their need and allow users to find document of a common interest.

11. As per claim 51, Herz discloses modifying the topically information resource to prioritize information according to the aggregate organized ratings data [col 62, lines 58-63].

12. As per claim 52, Herz discloses serving the information resource including a vote object configured for providing the users an option to rate the posts according to predetermined rating values [col 10, lines 13-15; and col 74, lines 35-38].

13. As per claim 53, Herz does not specifically disclose displaying the post in a ranked order according to the aggregating rating data. Rose discloses displaying the posts in a ranked order according to the aggregate ratings data [i.e. rank order] [Figure 3; and col 10, lines 17-19]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Herz and Rose because Rose's teaching of displaying the post in a

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ranked order would allow to enhance the graphical user interface of Herz system to include organizing views of most interest topic in a manner that selecting individual topic makes easier for user.

14. As per claim 54, Rose discloses displaying the plurality of links in a ranked order according to the aggregate ratings data [Figure 3].

15. As per claim 55, Herz discloses compiling the user rating for subject matter received from a specific source to provide source-associated rating data [col 12, lines 11-59].

16. As per claim 56, Herz discloses ranking a plurality of information sources according to the source-associated rating data for each source [col 60, lines 67-col 61, lines 3].

17. As per claim 57, Herz discloses providing the users an option to receive the source-associated rating data for each user that has provided subject matter to the topically organized information resource [col 60, lines 61-66].

18. As per claim 58, Herz discloses receiving preference information from the users, wherein the preference information specifies a threshold criteria for filtering the posts according to the source-associated rating data applied to the contributor of each post of the posts [col 64, lines 1-9].

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19. As per claim 59, Herz discloses presenting the plurality of links on a menu of a web page [col 65, lines 15-19].

20. As per claim 60, Herz discloses presenting the plurality links grouped in a corresponding plurality of menus of the web page, wherein each of the plurality of menus contains links pertaining to a category of information [col 65, lines 9-37].

21. As per claim 61, Herz discloses serving at least one of the respective different remote information resources comprising a second defined topic of information, a second plurality of posts of information from users, and a second plurality of links to respective different remote information resources each containing information related to the second topic [i.e. cluster and subcluster] [col 65, lines 48-col 66, lines 48].

22. As per claim 62, Herz discloses ranking the plurality of links according to a measured use of ones of the plurality of links [col 6, lines 33-35].

23. As per claim 63, Herz discloses performing an action selected from adding a link to the plurality of links, and deleting a link from the plurality of links, according to a ranking determined in the ranking step [i.e. organizing] [col 69, lines 11-cl 70, lines 3].

24. As per claim 64, Herz does not specifically disclose receiving preference information from the users, wherein the preference information specifies a threshold criteria for filtering the

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posts according to the aggregate ratings data. Rose discloses receiving preference information from the users, wherein the preference information specifies a threshold criteria for filtering the posts according to the aggregate ratings data [col 4, lines 63-col 5, lines 9]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Herz and Rose because Rose's teaching of threshold criteria would allow the system of Herz to further presenting limited topic that most interest to user to reduce the searching time.

25. As per claim 65, Herz discloses serving an interactive tolerance bar for providing the users an option to send the preference information [col 18, lines 13-27].

26. As per claim 66, Herz discloses serving at the respective different remote information resources each comprising at least one link back to the information resource [Figures 3 and 4].

27. As per claim 67, Herz discloses ranking the plurality of links according to measured activity of the at least one link back on the different remote information resources [col 12, lines 11-58].

28. As per claim 68, Herz discloses defining a plurality of topics for the posts of information [col 3, lines 31-34], and storing the topics in the memory [col 4, lines 36-47].

29. As per claim 69, Herz discloses grouping the posts in a plurality of topically organized interlinked information resources according to the rating data, wherein each of the interlinked

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information resources comprises posts relevant to one of the plurality of topics [col 12, lines 29-36].

30. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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LARRY D. DONAGHUE
PRIMARY EXAMINER

